

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No.	2014SYW132 DA
DA Number	2035/2014/DA-SL
Local Government Area	Campbelltown City Council
Proposed Development	Staged development application for a retirement village, including Stage 1, being the construction of roads, an entry feature and an acoustic wall.
Street Address	Camden Valley Way and Denham Court Road, Denham Court
Applicant/Owner	Stockland Development Pty Ltd
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value exceeds \$20 million
List of All Relevant s79C(1)(a) Matters	<p>Statutory provisions</p> <ul style="list-style-type: none"> • Rural Fires Act 1997 • Threatened Species Conservation Act 1995 • National Parks and Wildlife Act 1974 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • Campbelltown Growth Centres Development Control Plan <p>Non Statutory Provisions</p> <ul style="list-style-type: none"> • Campbelltown 2025 Looking Forward
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1. Original assessment report and attachments 2. Government Gazette published 'Biodiversity Certification Order' amendment 3. Plan detail of access to Camden Valley Way bus stops
Recommendation	Approval with conditions
Report by	Andrew MacGee, Senior Development Planner Campbelltown City Council

ADDENDUM REPORT

Background

The Sydney West Joint Regional Planning Panel (JRPP) has previously considered and deliberated on a report regarding the subject development application. At its meeting held at Campbelltown City Council's offices on 27 May 2015, the JRPP agreed to defer determination of the application on the following grounds:

The decision of the Panel is that the development's determination be deferred, although it be given an 'in principle' support, provided the following was addressed to the Panel's satisfaction in the future by way of additional information and supplementary report:

- The gazettal of an amendment to the 'biodiversity certification order' that affects some of the land, so that the entire site, not just a portion of it is subject to the order*
- That further embellishment of the officer's assessment report in relation to the assessment of potential contamination of the site be provided; and*
- That further information be provided to the Panel regarding the provision of acceptable bus services in accordance with the Senior's Living SEPP.*

The additional information detailed in the Panel's unanimous decision is provided below.

Supplementary Information

'Biodiversity Certification Order'

As detailed in Section 1.2 of the original planning assessment report prepared for the Panel, extensive planning was undertaken for the retention and rehabilitation of remnant Cumberland Plain Woodland throughout the Sydney Region Growth Centres.

Large tracts of relatively undisturbed woodland has been set aside as open space and for preservation through means provided by the *Threatened Species Conservation Act 1995* (TSC Act). As an offset to the retention of the areas of bushland throughout the growth centres, remaining parts were 'bio-certified' pursuant to Part 7AA of the Act.

Briefly, the primary effect of granting certification by way of a Ministerial Order is that it removes the need to undertake threatened species assessments or prepare species impacts statements at the development application stage. Hence, if certification is granted to land covered by the Growth Centres SEPP, this means that developments within those areas do not need to further assess the impacts on threatened species.

The conservation Order also sets up funding for land purchase and rehabilitation. Under the south west growth centres Order, there will ultimately be approximately \$530 million set aside for this purpose.

The 'East Leppington Precinct' of the growth centres largely falls under the bio-certification order and as such, no further detailed assessment of the impact of development on native vegetation and fauna is required under planning and related legislation. However, due to an idiosyncrasy in the large-scale mapping undertaken as part of the bio-certification Order and as a result of final Roads and Maritime intersection design not being known at the time, a very small portion of the urban release precinct development site was not included. However, this very small portion overall represented approximately half of the retirement

village site, effectively sterilising its development subject to further detailed flora and fauna impact assessment.

With the knowledge that the Office of Environment and Heritage was in the midst of preparing an amendment to the 'Biodiversity Certification Order' mapping so as to encompass the entire retirement village site, the applicant did not undertake these assessments.

At the time the original report was presented to the Panel for its deliberation, the 'Biodiversity Certification Order' mapping had not yet been updated to include the subject site.

This update has since occurred and was published in the Government Gazette of 12 June 2015. The revised mapping now shows that the entire retirement village site is considered to be 'certified land' meaning that no further assessment of the development's impact on threatened species is required pursuant to the *Threatened Species Conservation Act 1995*. The Gazetted amendment to the Order is attached to this addendum report for the Panel's information.

Accordingly, the matters raised in Section 1.2 of the original report and also in the Council's submission (detailed in Section 4.2 of that same report) are considered to have been satisfied by way of the amendment to the Order.

Site Contamination Assessment

The Panel requested additional information regarding the site's suitability for the proposed development upon consideration of its potential to be contaminated. In the table accompanying Section 1.4 of the original assessment report, a brief discussion of the site's contamination was undertaken in light of an assessment pursuant to the requirements of State Environmental Planning Policy No. 55. That discussion is reproduced and embellished below and should be substituted for the 'SEPP 55 assessment' in Section 1.4 of the original report.

SEPP 55 – Remediation of Land

SEPP 55 provides controls and guidelines for the remediation of contaminated land. In particular, the Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Before determining a development application that changes the use of land, a planning authority must consider whether the land is contaminated and be satisfied that it is suitable in its current state or will be suitable, after remediation for the proposed development.

An assessment of the site's potential contamination was undertaken on behalf of the applicant by Douglas Partners in a report titled 'Detailed Site Investigation' (ref. 76611.00, dated May 2014). The assessment included a historical search of known land uses in the area as well as soil sampling across the site. Douglas Partners set the sampling density after consideration of the historic land use of the site, the proposed future development and contamination risk profile. The site assessment criteria (SAC) was determined based on the proposed land use, being medium-density residential living with accessible soil.

The laboratory investigation of the samples taken at the site were undertaken to detect and measure a range of contamination types, including (but not limited to) hydrocarbons, heavy metals and organochlorine pesticides.

The report's findings and recommendations are summarised overleaf:

- A total of 14 samples were undertaken
- All concentrations of priority heavy metals were below their respective laboratory detection limits or within the SAC
- No asbestos containing material was detected
- Contaminant concentrations in the soil samples were all within the adopted SAC and accepted 'background ranges'.

The report concluded:

"Based on the findings of this Detailed Site Investigation with limited sampling, it is concluded that no remediation works are warranted and the site is considered compatible with the proposed retirement village/residential land use."

Accordingly, the development is considered to be consistent with the requirements of SEPP 55 and is suitable for the site in terms of potential land contamination.

Access to Public Transport

The Panel requested additional information and supporting documentation from the applicant that illustrated the compliance of the proposal with Clause 26 of the Seniors Living SEPP. Clause 26 relates to the 'accessibility' of seniors living developments to suitable public transport and includes requirements for gradients and distance to bus stops.

There are currently two metropolitan region bus contract routes running along Camden Valley Way, which adjoins the development site. The provision of appropriate bus services near the site is not in question.

However, the Panel requested some additional clarification from the applicant regarding the suitability of access to those existing bus routes, noting the changing topography of the site and significant road works being undertaken in the immediate vicinity as part of the Stage Government's upgrading of Camden Valley Way and Denham Court Road.

The applicant has responded with detailed information regarding the provision of:

- Appropriately located bus stops on Camden Valley Way once road works in that vicinity are completed. Transport for NSW have confirmed that there will be two bus stops accessible to public transport users near the intersection of Camden Valley Way and Denham Court/Ingleburn Roads. The stops would be accessible by signalised pedestrian crossings. Written confirmation has been received from Roads and Maritime Services that the Camden Valley Way upgrade would be completed by the end of 2015, which is before any resident would occupy the retirement village.
- A pathway from the retirement village has been developed to the bus stops on Camden Valley Way and are confirmed to be compliant with the gradient requirements of Clause 26(2)(a) of the Seniors Living SEPP.
- Copies of correspondence between the applicant and Transport for NSW has been provided which confirms that a bus route would be considered upon completion of that road's construction and in accordance with the adopted public transport network contained in the Campbelltown Growth Centres Development Control Plan.
- The applicant has also undertaken to operate a community bus in accordance with the requirements Clause 43 of the Seniors Living SEPP to further enhance the

village's accessibility, notwithstanding its compliance with the relevant public transport access requirements (as the site is within the Sydney Statistical Division nominated in Clause 26(2)(b) of the SEPP).

The 'east-west collector road', for which development consent has previously been granted by Council has been designed to accommodate the movement of buses and is nominated as a public transport route to connect the 'Willowdale Estate' to Leppington Railway Station, which is approximately 1.5 kilometres away.

Accordingly, the development is considered to be compliant with the requirements of the Seniors Living SEPP in terms of its ability to provide suitable access to public (and private) transport.

In addition, the matters raised in the Council's submission on the proposal (discussed in Section 4.3 of the original report) regarding access, are considered to be resolved with the provision of the applicant's supplementary information.

Conclusion

The Sydney West Joint Regional Planning Panel has previously considered a report and provided its 'in principle' support for a concept plan and stage 1 works for a retirement village at the subject site in Denham Court. The site is located within an urban release area that is part of the South West Growth Centre.

At the Panel's request, additional information has been prepared and submitted in support of the proposal. The information further details the site's suitability for its proposed development as a retirement village, having regard to its proximity to existing and future proposed services and the housing choice that it would provide for the area's ageing population.

Recommendation

1. That development application 2014SYW132 DA (2035/2014/DA-SL) for the staged development of a retirement village and Stage 1, which includes civil works, construction of roads, an acoustic wall and an entry feature at Lot 7 DP 1200698, Camden Valley Way and Denham Court Road, Denham Court be approved subject to conditions contained in the original report, with addition of the following plans in Condition 1 to the original report:

Cardno (NSW/ACT) Pty Ltd

89914044-CC-SK1030	Issue 1	dated 04.06.2015
89914044-CC-SK1031	Issue 1	dated 04.06.2015
89914044-CC-SK1032	Issue 1	dated 04.06.2015

C2C Alliance

3001891-DRS-3311	Issue B	dated 06.11.2012
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And;

2. That the applicant be advised that separate development applications will be required for future stages of the development.

Attachment 1 under separate cover

Attachment 2 – Gazetted amendment to ‘Biodiversity Certification Order’ map



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New South Wales

Threatened Species Conservation (Replacement Certification Maps) Order (No 2) 2015

under the

Threatened Species Conservation Act 1995

I, the Minister for the Environment, in pursuance of clause 17 (3) of Schedule 7 to the *Threatened Species Conservation Act 1995*, make the following Order.

Dated, this 2nd day of June 2015.

MARK SPEAKMAN SC, MP
Minister for the Environment

Explanatory note

The object of this Order is to replace a map that shows certified land that is within a growth centre (within the meaning of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*) for the purposes of certain provisions relating to biodiversity certification of environmental planning instruments.

This Order is made under clause 17 (3) of Schedule 7 to the *Threatened Species Conservation Act 1995*.

s2015-103-06.d08

Threatened Species Conservation (Replacement Certification Maps) Order (No 2) 2015

under the

Threatened Species Conservation Act 1995

1 Name of Order

This Order is the *Threatened Species Conservation (Replacement Certification Maps) Order (No 2) 2015*.

2 Commencement

This Order commences on the day on which it is published in the Gazette.

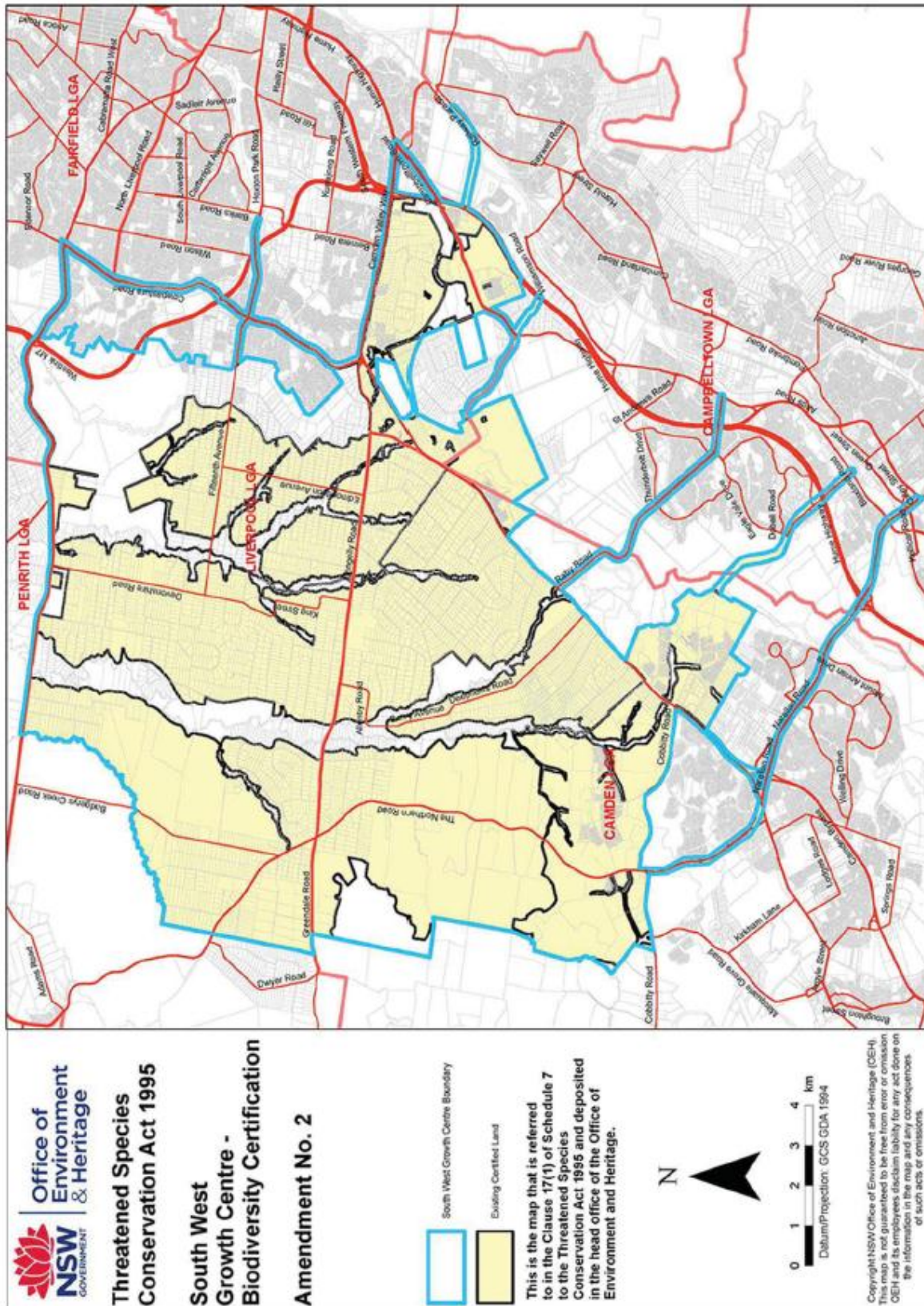
3 Definition

In this Order:

the Act means the *Threatened Species Conservation Act 1995*.

4 Replacement of map referred to in definition of "subject land"

For the purposes of clause 17 (3) of Schedule 7 to the Act, the map marked "South West Growth Centre—Biodiversity Certification" referred to in the definition of *subject land* in clause 17 (1) of Schedule 7 to the Act is replaced with the map marked "South West Growth Centre—Biodiversity Certification Amendment No. 2" and deposited in the head office of the Department.



Attachment 3 – Access to Camden Valley Way bus stop plans

